

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

1

SENATE BILL 762*

Short Title: Motor Fleet Clarification. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Transportation

April 28, 2016

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LAW GOVERNING THE CENTRAL MOTOR FLEET, AS
RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
GENERAL GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-341(8)i. reads as rewritten:

"(8) General Services:

...

i. To establish and operate a central motor ~~pool~~fleet and such subsidiary related facilities as the Secretary may deem necessary, and to that end:

...

2. To acquire passenger motor vehicles by transfer from other State agencies and by purchase. All motor vehicles transferred to or purchased by the Department shall become part of a central motor ~~pool~~fleet.

...

4. To maintain, store, repair, dispose of, and replace state-owned motor vehicles under the control of the Department, using best management practices. The Department shall ensure that state-owned vehicles are replaced when most cost effective using a replacement formula developed by the Department and reviewed periodically for appropriateness of use. The Department shall report semiannually to the cochairs of the Joint Appropriations Subcommittee on General Government, on or before October 15 and March 15, on the effect of any new or revised replacement formula on the cost of operating the central motor ~~pool~~fleet, including the amount of any savings from use of any new or revised replacement formula.

...

6. To allocate and charge against each State agency to which transportation is furnished, on a basis of mileage or of rental, its proportionate part of the cost of maintenance and operation of the motor ~~pool~~fleet.

The amount allocated and charged by the Department of Administration to State agencies to which transportation is furnished shall be at least as follows:



- 1 I. Pursuit vehicles and full size four-wheel drive vehicles
2 \$.24ile.
3 II. Vans and compact four-wheel drive vehicles – \$.22ile.
4 III. All other vehicles – \$.20ile.
- 5 7. To adopt, with the approval of the Governor, reasonable rules
6 for the efficient and economical operation, maintenance, repair,
7 and replacement, as limited ~~in paragraph 4.~~ by
8 sub-sub-subdivision 4. of sub-subdivision i. of this subdivision,
9 of all state-owned motor vehicles under the control of the
10 Department, and to enforce those rules; and to adopt, with the
11 approval of the Governor, reasonable rules regulating the use of
12 private motor vehicles upon State business by the officers and
13 employees of State agencies, and to enforce those rules. The
14 Department, with the approval of the Governor, may delegate to
15 the respective heads of the agencies to which motor vehicles are
16 permanently assigned by the Department the duty of enforcing
17 the rules adopted by the Department pursuant to this
18 ~~paragraph.~~ sub-sub-subdivision. Any person who violates a rule
19 adopted by the Department and approved by the Governor is
20 guilty of a Class 1 misdemeanor. Nothing in this sub-subdivision
21 shall be construed as prohibiting the Department from
22 contracting with private vendors for short-term rental motor
23 vehicles to be used by officers and employees of State agencies
24 for State business.
- 25 7a. To adopt with the approval of the Governor and to enforce rules
26 and to coordinate State policy regarding (i) the permanent
27 assignment of state-owned passenger motor vehicles and (ii) the
28 use of and reimbursement for those vehicles for the limited
29 commuting permitted by this subdivision. For the purpose of this
30 subdivision 7a, "state-owned passenger motor vehicle" includes
31 any state-owned passenger motor vehicle, whether or not owned,
32 maintained or controlled by the Department of Administration,
33 and regardless of the source of the funds used to purchase it.
34 Notwithstanding the provisions of G.S. 20-190 or any other
35 provisions of law, all state-owned passenger motor vehicles are
36 subject to the provisions of this subdivision 7a; no permanent
37 assignment shall be made and no one shall be exempt from
38 payment of reimbursement for commuting or from the other
39 provisions of this subdivision 7a except as provided by this
40 subdivision 7a. Commuting, as defined and regulated by this
41 subdivision, is limited to those specific cases in which the
42 Secretary has received and accepted written justification,
43 verified by historical data. The Department shall not assign any
44 state-owned motor vehicle that may be used for commuting
45 other than those authorized by the procedure prescribed in this
46 subdivision.
- 47 A State-owned passenger motor vehicle shall not be
48 permanently assigned to an individual who is likely to drive it on
49 official business at a rate of less than 3,150 miles per quarter
50 unless (i) the individual's duties are routinely related to public
51 safety or (ii) the individual's duties are likely to expose the

1 individual routinely to life-threatening situations. A State-owned
2 passenger motor vehicle shall also not be permanently assigned
3 to an agency that is likely to drive it on official business at a rate
4 of less than 3,150 miles per quarter unless the agency can justify
5 to the Division of Motor Fleet Management the need for
6 permanent assignment because of the unique use of the vehicle.
7 Each agency, other than the Department of Transportation, that
8 has a vehicle assigned to it or has an employee to whom a
9 vehicle is assigned shall submit a quarterly report to the Division
10 of Motor Fleet Management on the miles driven during the
11 quarter by the assigned vehicle. The Division of Motor Fleet
12 Management shall review the report to verify that each motor
13 vehicle has been driven at the minimum allowable rate. If it has
14 not and if the department by whom the individual to which the
15 car is assigned is employed or the agency to which the car is
16 assigned cannot justify the lower mileage for the quarter, the
17 permanent assignment shall be revoked immediately. The
18 Department of Transportation shall submit an annual report to
19 the Division of Motor Fleet Management on the miles driven
20 during the year by vehicles assigned to the Department or to
21 employees of the Department. If a vehicle included in this report
22 has not been driven at least 12,600 miles during the year, the
23 Department of Transportation shall review the reasons for the
24 lower mileage and decide whether to terminate the assignment.
25 The Division of Motor Fleet Management may not revoke the
26 assignment of a vehicle to the Department of Transportation or
27 an employee of that Department for failure to meet the minimum
28 mileage requirement unless the Department of Transportation
29 consents to the revocation.

30 Every individual who uses a State-owned passenger motor
31 vehicle, pickup truck, or van to drive between the individual's
32 official work station and his or her home, shall reimburse the
33 State for these trips at a rate computed by the Department. This
34 rate shall approximate the benefit derived from the use of the
35 vehicle as prescribed by federal law. Reimbursement shall be for
36 20 days per month regardless of how many days the individual
37 uses the vehicle to commute during the month. Reimbursement
38 shall be made by payroll deduction. Funds derived from
39 reimbursement on vehicles owned by the Motor Fleet
40 Management Division shall be deposited to the credit of the
41 Division; funds derived from reimbursements on vehicles
42 initially purchased with appropriations from the Highway Fund
43 and not owned by the Division shall be deposited in a Special
44 Depository Account in the Department of Transportation, which
45 shall revert to the Highway Fund; funds derived from
46 reimbursement on all other vehicles shall be deposited in a
47 Special Depository Account in the Department of
48 Administration which shall revert to the General Fund.
49 Commuting, for purposes of this ~~paragraph, sub-sub-subdivision,~~
50 does not include those individuals whose office is in their home,
51 as determined by the Department of Administration, Division of

1 Motor Fleet Management. Also, this
2 ~~paragraph~~sub-sub-subdivision does not apply to the following
3 vehicles: (i) clearly marked police and fire vehicles, (ii) delivery
4 trucks with seating only for the driver, (iii) flatbed trucks, (iv)
5 cargo carriers with over a 14,000 pound capacity, (v) school and
6 passenger buses with over 20 person capacities, (vi) ambulances,
7 (vii) [Repealed]. (viii) bucket trucks, (ix) cranes and derricks, (x)
8 forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage
9 trucks, (xiv) specialized utility repair trucks (except vans and
10 pickup trucks), (xv) tractors, (xvi) unmarked law-enforcement
11 vehicles that are used in undercover work and are operated by
12 full-time, fully sworn law-enforcement officers whose primary
13 duties include carrying a firearm, executing search warrants, and
14 making arrests, and (xvii) any other vehicle exempted under
15 Section 274(d) of the Internal Revenue Code of 1954, and
16 Federal Internal Revenue ~~Services~~Service regulations based
17 thereon. The Department of Administration, Division of Motor
18 Fleet Management, shall report quarterly to the Joint Legislative
19 Commission on Governmental Operations and to the Fiscal
20 Research Division of the Legislative Services Office on
21 individuals who use State-owned passenger motor vehicles,
22 pickup trucks, or vans between their official work stations and
23 their homes, who are not required to reimburse the State for
24 these trips.

25 The Department of Administration shall revoke the
26 assignment or require the Department owning the vehicle to
27 revoke the assignment of a State-owned passenger motor
28 vehicle, pickup truck or van to any individual who:

- 29 I. Uses the vehicle for other than official business except in
30 accordance with the commuting rules;
- 31 II. Fails to supply required reports to the Department of
32 Administration, or supplies incomplete reports, or
33 supplies reports in a form unacceptable to the
34 Department of Administration and does not cure the
35 deficiency within 30 days of receiving a request to do so;
- 36 III. Knowingly and willfully supplies false information to the
37 Department of Administration on applications for
38 permanent assignments, commuting reimbursement
39 forms, or other required reports or forms;
- 40 IV. Does not personally sign all reports on forms submitted
41 for vehicles permanently assigned to him or her and does
42 not cure the deficiency within 30 days of receiving a
43 request to do so;
- 44 V. Abuses the vehicle; or
- 45 VI. Violates other rules or policy promulgated by the
46 Department of Administration not in conflict with this
47 act.

48 A new requisition shall not be honored until the Secretary of
49 the Department of Administration is assured that the violation
50 for which a vehicle was previously revoked will not recur.

The Department of Administration, with the approval of the Governor, may delegate, or conditionally delegate, to the respective heads of agencies which own passenger motor vehicles or to which passenger motor vehicles are permanently assigned by the Department, the duty of enforcing all or part of the rules adopted by the Department of Administration pursuant to this subdivision 7a. The Department of Administration, with the approval of the Governor, may revoke this delegation of authority.

Notwithstanding the provisions of this section and G.S. 14-247, the Department of Administration may allow the organization sanctioned by the Governor's Council on Physical Fitness to conduct the North Carolina State Games to use State trucks and vans for the State Games of North Carolina. The Department of Administration shall not charge any fees for the use of the vehicles for the State Games. The State shall incur no liability for any damages resulting from the use of vehicles under this provision. The organization that conducts the State Games shall carry liability insurance of not less than one million dollars (\$1,000,000) covering such vehicles while in its use and shall be responsible for the full cost of repairs to these vehicles if they are damaged while used for the State Games.

...

10. To contract with the appropriate State prison authorities for the furnishing, upon such conditions as may be agreed upon from time to time between such State prison authorities and the Secretary, of prison labor for use in connection with the operation of a central motor ~~pool~~ fleet and related activities.

11. To report annually to the General Assembly on any rules adopted, amended or repealed under ~~paragraphs~~ sub-sub-subdivisions 3, 7, or 7a of this ~~subdivision~~ sub-subdivision."

SECTION 2. This act is effective when it becomes law.